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*Admitted only in Maryland

*Admitted only in Virginia

•Practice Limited to
Federal Agencies

December 10, 2004

WRITER'S DIRECT NUMBER: (202) 772-8525 INTERNET ADDRESS: BRIAND@SKGF.COM

Art Unit 1761

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Re:

U.S. Divisional Utility Patent Application

Application No. 10/055,430; Filed: January 25, 2002

For: Malt Beverage Having Stabilized Flavor and Methods of Production

Thereof

Inventors:

RANGEL-ALDAO et al.

Our Ref:

1390.0070006/JAG/BJD

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Fee Transmittal Form (PTO/SB/17);
- 2. Credit Card Payment Form (PTO/2038);
- 3. First Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c)(2);
- 4. A listing of the cited documents on form PTO-1449;
- 5. Copies of the cited documents (AP2, AT17, AL3, AM3, AR18, AS18); and
- 6. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skgf.com

Commissioner for Patents December 10, 2004 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants Registration No. 42,473

JAG/BJD/SAC/jk Enclosures

343435



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rangel-Aldao et al.

Appl. No.: 10/055,430

Filed: January 25, 2002

For:

Malt Beverage Having

Stabilized Flavor and Methods

of Production Thereof

Confirmation No.: 7557

Art Unit:

1761

Examiner:

Sherrer, C.

Atty. Docket: 1390.0070006/JAG/BJD

First Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c)(2)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document (exclusive of the cited U.S. patent) is provided.

The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed May 1, 2002, in connection with the above-captioned application.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of non-English language documents AL3 and AM3 cited on Form PTO 1449:

Document AL3, Mexican Patent No. MX 220172, is in the Spanish language. An unverified English language abstract of document AL3 is attached as document AR18.

12/13/2004 NNGUYEN1 00000059 10055430

180.00 OP 01 FC:1806

Applicants also note that Document AL3 is the Mexican equivalent of EPO Publication No. EP 0773285 B1, cited herein as Document AP2.

Document AM3, Mexican Patent No. MX 220173, is in the Spanish language. An unverified English language abstract of document AM3 is attached as document AS18. Applicants also note that document AM3 is the Mexican equivalent of U.S. Patent No. 6,372,269, of record in the present matter as document AI2, and U.S. Patent No. 6,468,567, cited herewith as document AJ2.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the

Rangel-Aldao *et al.* Appl. No. 10/055,430

mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

In accordance with 37 C.F.R. § 1.97(c)(2), attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Brian J. Del Buono Attorney for Applicants

Registration No. 42,473

Date: V C (V, W) 1100 New York Avenue, N.W. Washington, D.C. 20005-3934

(202) 371-2600 340950_1.DOC PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE or the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known							
Application Number 10/055,430							
Filing Date	January 25, 2002						
First Named Inventor	Rafael RANGEL-ALDAO						
Examiner Name	SHERRER, C.						
Art Unit	1761						
Attorney Docket No.	1390.0070006/JAG/BJD						

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)						
Check X Credit card Money X Other None	3. ADDITIONAL FEES						
**Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036.	Large Entity Small Entity						
Deposit	Fee Fee Fee Fee Fee Description Code (\$)	Fee Paid					
Account Number 19-0036	1051 130 2051 65 Surcharge - late filing fee or oath						
Deposit Account Sterne, Kessler, Goldstein & Fox P.L.L.C.	1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet						
Name The Director is authorized to: (check all that apply)	1053 130 1053 130 Non-English specification						
Charge fee(s) indicated below Credit any overpayments	1812 2,520 1812 2,520 For filing a request for ex parte reexamin	ation					
Charge any additional fee(s) or any underpayment of fee(s)	1804 920* 1804 920* Requesting publication of SIR prior to Examiner action						
Charge fee(s) indicated below, except for the filing fee	1805 1,840* 1805 1,840* Requesting publication of SIR after						
to the above-identified deposit account.	Examiner action 1251 110 2251 55 Extension for reply within first month						
FEE CALCULATION	1252 430 2252 215 Extension for reply within second month						
1. BASIC FILING FEE Large Entity Small Entity	1253 980 2253 490 Extension for reply within third month						
Fee Fee Fee Fee Description Fee Paid	1254 1,530 2254 765 Extension for reply within fourth month						
Code (\$) Code (\$) 1001 790 2001 395 Utility filing fee	1255 2,080 2255 1,040 Extension for reply within fifth month						
1002 350 2002 175 Design filing fee	1401 340 2401 170 Notice of Appeal						
1003 550 2003 275 Plant filing fee	1402 340 2402 170 Filing a brief in support of an appeal						
1004 790 2004 395 Reissue filing fee	1403 300 2403 150 Request for oral hearing .						
1005 160 2005 80 Provisional filing fee	1451 1,510 1451 1,510 Petition to institute a public use proceed	ing					
SUBTOTAL (1) (\$) 0.00	1452 110 2452 55 Petition to revive - unavoidable						
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1453 1,370 2453 685 Petition to revive - unintentional						
Fee from	1501 1,370 2501 685 Utility issue fee (or reissue)						
Extra Claims below Fee Paid Total Claims X = X	1						
Independent 200 -	1503 660 2503 330 Plant issue fee						
Claims	1460 130 1460 130 Petitions to the Commissioner	<u> </u>					
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Code (\$) Code (\$) 1202 18 2202 9 Claims in excess of 20	8021 40 8021 40 Recording each patent assignment per property (times number of properties)						
1201 88 2201 44 Independent claims in excess of 3	1809 790 2809 395 Filing a submission after final rejection (37 CFR 1.129(a))						
1203 300 2203 150 Multiple dependent claim, if not paid	1810 790 2810 395 For each additional invention to be examined (37 CFR 1.129(b))						
1204 88 2204 44 ** Reissue independent claims over original patent	1801 790 2801 395 Request for Continued Examination (RO	CE)					
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent	1802 900 1802 900 Request for expedited examination of a design application	<i>'</i>					
	Other fee (specify)						
**or number previously paid, if greater; For Reissues, see above	*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 18						

SUBMITTED BY

Name (Print/Type)

Brian J. Del Buono

Registration No. (Attornev/Agent)

Signature

(Complete (if applicable))

Telephone
(202) 371-2600

Date

Registration No. (Attornev/Agent)

Date

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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